

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

YOSEF TESFU KAHSAY

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Case No. 3:25-MJ-00187-WCM

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Courtney Roanhorse, a Special Agent with Department of Homeland Security's ("DHS") Homeland Security Investigations ("HSI"), being duly sworn, deposes and says:

BACKGROUND

1. I am a federal Special Agent ("SA") with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"). I have been employed as an HSI SA since September 2019. I am a graduate of the Criminal Investigator Training Program and the HSI Special Agent Training program at the Federal Law Enforcement Training Center. Before my employment with HSI, I worked for the United States Customs and Border Protection ("CBP") as a Customs Officer from July 2015 to September 2019.

2. As an agent with HSI, my duties include investigating violations of Titles 8, 18, 19, 21, 31, and 42 of the United States Code ("U.S.C."). I received training in various criminal investigative techniques, including financial investigations, drug investigations, search warrant execution, and other methods related to criminal investigations. I have been trained in the laws and regulations related to various federal criminal offenses, including but not limited to narcotics smuggling, money laundering, immigration, fraud, and bulk cash smuggling. I have initiated or

otherwise participated in criminal investigations related to these violations and am familiar with the methods and techniques used by those committing narcotics smuggling, money laundering, bulk cash smuggling, immigration violations, and other federal law violations.

3. I have initiated, executed, and been involved in investigations resulting in arrests for narcotics violations, bulk cash smuggling, immigration violations, and firearm offenses. I have interviewed defendants, witnesses, and informants concerning the illegal trafficking of controlled substances, bulk cash smuggling, money laundering, and violations of immigration law.

4. The information contained in this Affidavit is based on my participation in this investigation and on information provided to me by other law enforcement officers. Where statements of individuals are described herein, those descriptions are intended to convey the sum and substance of such statements and are not exact quotes, unless otherwise indicated.

5. This Affidavit is submitted for the limited purpose of presenting facts to support a probable cause finding for the issuance of a criminal complaint against Yosef Tesfu KAHSAY for willfully failing to comply with the terms of his release under supervision, in violation of 8 U.S.C. §1253(b). I have not included every fact known to me concerning this investigation, and I have set forth only those facts necessary for said purpose.

FACTS SUPPORTING A PROBABLE CAUSE FINDING

6. In June 2025, HSI Charlotte received information that, on or about May 22, 2025, Mecklenburg County ABC Law Enforcement officers had arrested KAHSAY for larceny and assault on an officer charges. HSI Charlotte confirmed that KAHSAY was not a United States citizen but was a citizen of Eritrea, subject to a final order of removal from the United States. At present, KAHSAY remains in custody on the above-mentioned state charges.

7. I know that ICE maintains a file on aliens illegally present in the United States who ICE encounters. This file, known as an Alien File (“A-File”), contains documentation relating to

the aliens illegally present in the United States, including their photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents related to the lawful or unlawful status the non-citizen has in the United States. ICE also periodically creates temporary files (“T-files”) that contain immigration records and documentation for an alien when an A-file is not immediately available. Further, there are times when one or both of the alien’s files are digitized. Each non-citizen is assigned an identification number, referred to as an Alien Number.

8. In this case, your affiant conducted immigration database searches and reviewed documentation from the defendant’s T-files to determine that:



- a. His true name is, in fact, Yosef Tesfu Kahsay, as per his immigration documents and his admissions to immigration officers.
 - b. KAHSAY was assigned A# 212-821-792, FBI number P1ED3PPA7, North Carolina State Identification Number NC2282504A, North Carolina Driver’s License Number 43115463 (under the name Yosef Tesfu Kahsay with date of birth, July 27, 1998), and FIN Number 1204282485.
 - c. KAHSAY is a native and citizen of Eritrea by virtue of birth in Eritrea, and he also has a valid Ethiopian passport¹ PE0061594.
 - d. KAHSAY adjusted to lawful permanent residence on September 25, 2018.
- However, due to his criminal history, ICE placed KAHSAY into removal proceedings in 2020. Thereafter, on June 4, 2020, Immigration Judge Audrey M. Carr administratively ordered KAHSAY to be removed from the United States to Eritrea, and all parties waived their appeal, making this a final order of removal as of that date.

¹ KAHSAY’s T-file shows that he listed that his birthplace as Dekemhare, Eritrea, in 1998, which was before Eritrea’s independence from Ethiopia.

9. At the time of the removal order in 2020, ICE was unable to execute KAHSAY's final order of removal to Eritrea² because of problems in that country. While in ICE custody in 2020, KAHSAY filed a habeas corpus petition in the United States District Court, District of Minnesota (case number 21-cv-350). The parties reached a settlement agreement on March 1, 2021, in which they stipulated that ICE would release KAHSAY from custody on an order of supervision under 8 C.F.R. § 241.5.

10. On March 1, 2021, ICE released KAHSAY and placed him under an order of supervision via ICE Form I-220B (Order of Supervision or "OSUP"). On this form, ICE notified KAHSAY of the conditions of his release. One of the conditions of KAHSAY's release was that he would not commit any crimes. KAHSAY signed the OSUP and acknowledged that he had read and understood the conditions of his release from ICE custody, including the consequences of failing to comply, such as criminal prosecution.

☒ That you do not commit any crimes while on this Order of Supervision.

Alien's Acknowledgement of Conditions of Release under an Order of Supervision	
I hereby acknowledge that I have (read) (had interpreted and explained to me in the <u>ENGLISH</u> language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.	
 (Signature of ICE Official Serving Order)	 (Signature of Alien)
<u>03/01/2021</u> (Date)	
ICE Form I-220B (10/20)	Page 1 of <u>5</u>

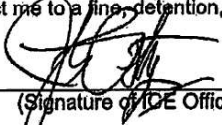
11. On January 18, 2024, ICE had KAHSAY execute another OSUP to reflect his address change. KAHSAY once again signed this form and acknowledged that not committing crimes was one of the conditions of his release. KAHSAY has failed to comply with this condition while on supervised release, as he has committed criminal acts multiple times, some of them

² Removal to Eritrea was not able to be completed per Removal and International Operations in 2020.

after the execution of the January 18, 2024, OSUP.

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the ENGLISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.


(Signature of ICE Official Serving Order)
01/18/2024
(Date)


(Signature of Alien)

ICE Form I-220B (10/20)

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File No.: 212 821 792

Name: KAHSAY, YOSEF TESFU

Date: January 18, 2024

- ☒ That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- ☒ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Supervision.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- ☐ Other:

12. After reviewing KAHSAY's T-files and immigration records and conducting criminal justice inquiries and database searches, your affiant discovered KAHSAY has had at least seventeen law enforcement encounters:

a. On or about August 29, 2019, KAHSAY was convicted of trespassing and theft in Woodbury County, Iowa, and sentenced to pay fines.

b. On or about September 19, 2019, KAHSAY was convicted of burglary (motor vehicle) and third-degree credit card fraud in Woodbury County, Iowa, and sentenced to 180 days in jail, 150 days suspended (concurrent with each other but consecutive to case number AGCR105539), along with other sentencing conditions.

c. On or about September 20, 2019, KAHSAY was convicted of operating a vehicle without the owner's consent in Woodbury County, Iowa, and sentenced to forty-five days in jail, along with other sentencing conditions.

d. On or about October 29, 2019, KAHSAY was convicted of theft in Woodbury County, Iowa, and sentenced to pay a fine, along with other sentencing conditions.

e. On or about February 11, 2020, KAHSAY was convicted of possession of a controlled substance (methamphetamine) and violating his probation for his September 2019 convictions in Woodbury County, Iowa. He was sentenced to twenty days in jail, along with other sentencing conditions.

f. On or about February 12, 2020, KAHSAY was convicted of theft in Woodbury County, Iowa, and sentenced to two days in jail, along with other sentencing conditions.

g. On or about April 14, 2020, KAHSAY was convicted of receiving stolen property in Union County, South Dakota, and sentenced to 180 days in jail, with 123 days suspended on the condition that he pay restitution.

h. On or about May 6, 2021, KAHSAY was arrested in Freeborn County, Minnesota, for Assault in the 4th Degree. He was convicted on or about June 24, 2021, for Assault in the 5th Degree and sentenced to ninety days in jail.

i. On or about July 5, 2021, KAHSAY was arrested in Omaha, Nebraska, for trespassing. He was arrested again by the Omaha Police Department on July 6, 2021, for theft and trespassing. The disposition of these charges is unknown.

j. On or about October 2, 2021, KAHSAY was arrested in Charlotte, North Carolina, for operating a motor vehicle without the owner's consent and burglary (motor vehicle). In February 2022, KAHSAY was convicted of operating a vehicle without the owner's consent and was sentenced to two years in prison and a fine of \$855.00. He was also convicted of third-degree burglary (non-vehicle) and sentenced to five years in prison, along with a \$1,025.00 fine.

k. On or about June 4, 2024, KAHSAY was arrested in Charlotte, North Carolina, for resisting a public officer and for injury to personal property. The District Attorney's Office in Mecklenburg County dismissed these charges.

l. On or about September 12, 2024, KAHSAY was arrested in Charlotte, North Carolina, for resisting a public officer and possession of drug paraphernalia. The disposition of these charges is unknown.

m. On or about October 10, 2024, KAHSAY was arrested in Charlotte, North Carolina, for felony larceny, possession of drug paraphernalia, and felony possession of a Schedule II controlled substance. The District Attorney's Office in Mecklenburg County dismissed these charges.

n. On or about October 31, 2024, KAHSAY was arrested in Charlotte, North Carolina, for breaking and entering a motor vehicle, felony larceny, misdemeanor larceny, breaking and entering a motor vehicle with theft, felony breaking and/or entering, larceny after breaking and entering, and felony conspiracy. The District Attorney's Office in Mecklenburg County dismissed these charges.

o. On or about November 20, 2024, KAHSAY was again arrested in Charlotte, North Carolina, for misdemeanor larceny, felony breaking and entering a motor vehicle, and felony breaking and entering. The District Attorney's Office in Mecklenburg County dismissed these charges.

p. On or about December 24, 2024, KAHSAY was arrested for felony breaking and entering in Charlotte, North Carolina. On April 8, 2025, a trial judge found KAHSAY guilty of that charge to a lesser degree, and he received a sentence of seventy-five days in jail.

q. On or about May 6, 2025, KAHSAY was arrested in Charlotte, North Carolina, for felony attempted larceny, but this charge was dismissed on June 10, 2025.

r. On or about May 22, 2025, KAHSAY was arrested in Charlotte, North Carolina, for misdemeanor larceny, assault on a government official, carrying a concealed weapon, resisting a public officer, and injury to personal property. These charges are pending.

13. On June 17, 2025, after reviewing KAHSAY's A-file and checking immigration indices, your affiant was unable to locate any record that KAHSAY had applied for, or was

granted, permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to remain legally in the United States.

14. Furthermore, KAHSAY has failed to abide by his Order(s) of Supervision and committed criminal acts on numerous occasions, most recently on May 22, 2025, in Mecklenburg County.

CONCLUSION

15. Based on the above information, your affiant respectfully requests the issuance of a criminal complaint against Yosef Tesfu KAHSAY for violating Title 8, United States Code, Section 1253(b)(1)(willful failure to comply with the terms of his release under supervision).

AUSA Kenneth M. Smith reviewed this Affidavit.

RESPECTFULLY SUBMITTED,

/s/Courtney Roanhorse

Special Agent Courtney Roanhorse
Homeland Security Investigations

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 11th day of July, 2025, at 4:01 PM.



W. Carleton Metcalf
United States Magistrate Judge

